Cambridge International AS & A Level

Cambridge International Examinations
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/41**

Paper 4 Law of Tort **May/June 2015**

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

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READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.
Write your Centre number, candidate number and name on all the work you hand in.
Write in dark blue or black pen.
Do not use staples, paper clips, glue or correction fluid.

Answer **one** question from **Section A**, **one** from **Section B** and **one other**, thus making a total of **three** responses required.

At the end of the examination, fasten all your work securely together.
The number of marks is given in brackets [ ] at the end of each question or part question.

This document consists of **3** printed pages and **1** blank page.

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Candidates must attempt **one** question from **Section A**, **one** from **Section B** and **one other**, thus making a total of **three** responses required.

Section A

1 In cases involving nervous shock, special rules exist to restrict the number of potential claims.

Critically assess the extent to which you agree with this statement. [25]

2 With reference to decided case law, critically analyse the operation of the defence of volenti non fit injuria (consent) in relation to trespass to the person. [25]

3 The aim of the compensation award in tort is expressed in the maxim restitutio in integrum (restitution in full).

Critically examine the extent to which this aim is achieved. [25]

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Section B

4 Pierre drives to work and stops at a shop in order to buy some food. As he is in a hurry he leaves the key in the ignition and runs inside. While he is in the shop someone gets into his car and drives off at speed. The car is then involved in a collision in which Yves is knocked down whilst using a pedestrian crossing. The person who took the car runs from the scene and cannot be traced.

Yves is taken to the emergency department of the local hospital, where he is examined by Henri, a junior doctor. Henri tells Yves that he is suffering from bruising and sends him home with medication for his pain. Yves' pain gets worse and he returns to the hospital the following day where another doctor diagnoses a serious neck injury.

Advise Yves as to the liability in negligence of Pierre, Henri and the hospital. [25]

5 Adam buys two cars with which to operate a taxi business from his home. He hires a number of drivers to operate the taxis which are collected from Adam's home and returned late at night. This causes some disturbance to Adam's neighbour Frank as he is frequently awoken by noise when the cars are returned.

Adam also stores fuel for the cars in his garden shed. Frank complains to Adam about the strong smell of the fuel and the fact that it has leaked into his garden, killing his vegetables and flowers.

Advise Frank as to the likely success of any actions brought against Adam and the remedies which might be granted by the court. [25]

6 Anil owns and runs a small hotel. During a storm a number of roof tiles fall, causing injury to Pravin, a guest at the hotel.

Anil hires David, a roofing contractor, to carry out repairs. When the work is finished, Anil looks at the roof and the job appears to have been well done. However David had used the wrong type of nails to secure the tiles.

A month later, tiles fall from the roof repaired by David. Nadia, a member of the hotel staff, is injured and her car is also damaged.

Assess Anil's liability as the occupier of the hotel to Pravin and Nadia. [25]

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